

REMARKS

This application has been reviewed in light of the Office Action dated July 12, 2007. Claims 30-35, 37, 40-42, 44, 47-49, 51, 53-55, 63 and 65-67 are presented for examination, of which Claims 30, 37, 44, 51 and 63 are in independent form. Claims 36, 38, 39, 43, 45, 46, 50, 52, 56-62, 64 and 68 have been canceled, without prejudice or disclaimer of subject matter. Claim 30, 37 and 44 have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

Claims 30-68 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,445,460 (Pavley) in view of U.S. Patent No. 6,668,134 (Niikawa) and further in view of U.S. Patent No. 6,784,924 (Ward).

As shown above, Applicant has amended independent Claims 30, 37, 44, 51 and 63 in terms that more clearly define what he regards as his invention. Applicant submits that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Claim 30 is directed to an image transferring apparatus including a storage unit, adapted to store image data and an image data transfer instruction unit, which is a button for instructing image data transfer, adapted to enable a user to enter an instruction to transfer the image data. Also included in the apparatus is a display unit, adapted to display a first screen to enable a user to select between (1) automatically transferring only image data stored in the storage unit which has not previously been transferred and (2) automatically transferring all image data stored in the storage unit. The display unit also is adapted to display a second screen to enable a user to select between (1) automatically transferring image data at the time of connection

of the image transferring apparatus to another apparatus and (2) automatically transferring image data in response to an instruction to transfer entered by the user with the image data transfer instruction unit. The apparatus further includes a transfer control unit, adapted to perform control to automatically transfer the image data, and (1) to judge a selection selected from the first screen displayed by the display unit, and if the selection to automatically transfer only image data not previously transferred is made, perform control to automatically transfer only the image data not previously transferred based on transfer history information, and if the selection to automatically transfer all image data stored in the storage unit is made, perform control to automatically transfer all the image data stored in the storage unit regardless of the transfer history information and (2) to judge a selection selected from the second screen displayed by the display unit, and if the selection to automatically transfer image data at the time of connection of the image transferring apparatus to the other apparatus is made, perform control to automatically transfer image data at the time of connection of the image transferring apparatus to the other apparatus, and if the selection to automatically transfer image data in response to an instruction to transfer entered by the user with the image data transfer instruction unit is made, perform control to automatically transfer image data in response to an instruction to transfer entered by the user with the image data transfer instruction unit.

The Office Action admits that neither Pavley nor Niikawa teach a screen enabling a user to select between (1) transferring image data at the time of connection of the image transferring apparatus to another apparatus and (2) transferring image data in response to an instruction to transfer entered by the user with the image data transfer instruction unit. However, the Office Action cites Ward, column 1, line 51 - column 2, line 11 and column 3, lines 19-39, as

teaching this feature. Applicant respectfully disagrees. Ward relates to a digital camera that can receive a file from a PC containing instruction information for communicating with a selected destination via a communications interface. After such file is received, Ward discusses that, when a user activates a send button, images that were manually selected by the user, one by one, can be transmitted from the camera to the desired destination via the communications interface. Ward further discusses that the “transmission may occur immediately after the pictures are taken, for example if the camera has a built-in cellular phone modem, or at a later time, when the camera is connected to a separate unit (such as a dock, kiosk, PC, etc.) equipped with a modem” (column 2, lines 5-9).

However, nothing in Ward appears to teach or suggest a “screen to enable a user to select between (1) automatically transferring image data at the time of connection of said image transferring apparatus to another apparatus and (2) automatically transferring image data in response to an instruction to transfer entered by the user with said image data transfer instruction unit,” as recited in Claim 30. Indeed, in Ward, the user must always provide an instruction to transfer in order for the camera to transfer image data. As discussed in column 3, lines 44-49 of Ward, “if there is a request to send an image, the user ensures that the camera is connected to the appropriate service (wired telephone line, cellular phone, kiosk, etc.) and pushes a ‘send’ button in the user button section 26, or selects a ‘send’ menu option on the LCD 24.” In addition, in Ward, the user must manually select the images to be transferred; such images are not automatically transferred.

Thus, for at least this reason, Claim 30 is patentable over Pavley, Niikawa and Ward, whether considered separately or in any permissible combination (if any).

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 30.

Independent Claims 37, 44, 51 and 63 recite features similar to those discussed above with respect to Claim 30 and therefore are also believed to be patentable over the cited prior art for the reasons discussed above.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present continued application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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